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**3RD SESSION, 37TH PARLIAMENT**

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## CONTENTS

Tuesday, November 19, 2002  
Afternoon Sitting

### Routine Proceedings

	<b>Page</b>
Introductions by Members.....	4505
Statements (Standing Order 25B).....	4505
Services for youth at risk	
K. Stewart	
National Child Day	
E. Brenzinger	
Community living services	
J. Nuraney	
Oral Questions.....	4506
Transfer of patient in long-term care case	
J. MacPhail	
Hon. K. Whittred	
Cridge Centre for the Family	
J. Kwan	
Hon. G. Abbott	
Student achievement	
D. MacKay	
Hon. C. Clark	
Oil and gas resources	
P. Bell	
Hon. R. Neufeld	
Tabling Documents.....	4509
Environmental Appeal Board annual report, 2001-02	
Committee of the Whole House.....	4509
Forest and Range Practices Act (Bill 74) <i>(continued)</i>	
J. MacPhail	
Hon. M. de Jong	



TUESDAY, NOVEMBER 19, 2002

The House met at 2:03 p.m.

### Introductions by Members

**B. Kerr:** I'd like to introduce a constituent of mine who is returning to the House for a visit. She worked here for a number of years before leaving to raise her family. She's here today with her son Ryan and his friend, Mark Jaeger. I'd like the House to welcome Heidi Harmes.

**K. Krueger:** I'm pleased to introduce to the House this afternoon two constituents of mine: Ines Popig, who is the new chair of the Sun Peaks improvement district, and Peter Dudas. They are here to celebrate a milestone birthday of Ines. Just in case any of you make it up to Sun Peaks this winter, which I hope all of you do, you'll probably meet Peter. He skied 120 days there last year. By all means, will you all give them a good welcome.

[1405]

**Hon. G. Campbell:** I'm pleased to rise today to acknowledge the birthday of Sri Guru Nanak Dev Ji, the founder of the Sikh faith. During his many long journeys, Guru Nanak identified himself with the poor, the sick and the lower castes. He became a prophet of the downtrodden and outcasts, and he did not distinguish between people on the basis of religion, wealth or caste. His permanent companions were a low-caste Hindu and a low-caste Muslim. Guru Nanak sought to unite all of humanity. He believed that all men and women were equal under the Lord Almighty and preached that people treat their neighbours as brothers.

Thousands of Sikhs in British Columbia and millions more around the world are celebrating this festival. On behalf of British Columbians, let's wish them a wonderful celebration.

**Mr. Speaker:** Hon. members, I would like to remind you all that the library is having an open house this afternoon from 2:30 to 4:30 p.m., and I'm sure that everyone in the library would like to see you there as they unveil a new service for members.

### Statements (Standing Order 25B)

#### SERVICES FOR YOUTH AT RISK

**K. Stewart:** My community of Maple Ridge is currently grappling with the tragic loss of Ms. Colleen Anne Findlay. Her loss is a tremendous one to her husband, Jim, and children, and I know it leaves a huge void in many of us. Colleen was born and spent her entire 39 years in Maple Ridge. One of her passions in life was helping young people, and she always thought

of ways to encourage and support the lives of youths in our community.

Untimely deaths are the most difficult to deal with. What makes this one even more tragic is that a 15-year-old youth has been charged with Ms. Findlay's senseless death. This is a reminder for all of us that the ongoing prevalence of youth violence is a threat to the very fabric of our society. The question for me and, I'm sure, for many others is: how do we stop this type of violence from happening again?

We, as a society, have so much to teach our youth and stand to gain so much by giving them the tools to be positive members of our communities. In Maple Ridge we have examples of two programs that are going a long way to help youth at risk. The Greg Moore Youth Centre, which opened its doors just a year ago, provides safe, secure locations for our youth. The centre offers a positive alternative for our youth, it gets them off the street, and it keeps them busy, engaged and interacting with the community and with each other.

There's another program that deserves our attention: the Ridge Meadows Youth and Justice Advocacy Association. This is a volunteer-based organization that helps divert first-time young offenders from further criminal activity. This program promotes community involvement and recruits local mentors who volunteer their time to the prevention of youth crime. It has been highly effective.

There are other youths who need much more intervention than these programs can provide. As a society, we need to recognize these alternatives, and we must be prepared to ensure the protection of our citizens. It's time to look to our young people, to talk to them and to support the programs that focus on youth. We all have much to gain from this.

#### NATIONAL CHILD DAY

**E. Brenzinger:** Tomorrow, November 20, is National Child Day. This is a day to celebrate our most precious resource: our children. It is a day to remember that children need love and respect to grow to their full potential. It is a day to marvel at their uniqueness and all they have to offer. It's a day to celebrate the family and think about how adults affect the development of children close to them.

Upholding our children's entitlement to a secure and healthy upbringing is one of the most important and precious legacies we can leave. Healthy families are key to revitalizing our communities and our province. This government, the Minister of Children and Family Development and the Minister of State for Early Childhood Development are working hard to implement programs and initiatives which assist families to realize their dreams and achieve their goals.

I'd like to remind the House about some of the important steps we've taken to lay down a foundation for a better tomorrow for B.C.'s children. We've established a \$5 million early childhood development fund

with the Vancouver Foundation. We're investing \$8 million in aboriginal early childhood development programs. We've committed \$13.8 million to help families with children under six with autism. We've joined the Prairie-Northern Pacific FAS Partnership to support families and educate the public about children with fetal alcohol syndrome.

[1410]

Our community partners play a valuable role too. In my constituency of Surrey-Whalley, I have a number of groups that together provide playtime and support for children. These include youth centres, preschools, day cares, sporting activities and much more.

On this day and every day, each one of us can do our part to invest in our children's future. I encourage all of you to celebrate National Child Day by taking the time to ask a child for advice or to send a package of toys, clothes or books to children in need. Explore ways to make your neighbourhood a safer place for children, or simply hug a child to reassure them that they are loved. What we can do today will determine the quality of life and the range of choices available to our youngest citizens.

#### COMMUNITY LIVING SERVICES

**J. Nuraney:** I was privileged to attend an event last Wednesday at the Burnaby Association of Community Inclusion, where I witnessed a powerful demonstration of emotions. The Minister of Children and Family Development was present, along with the self-advocates, family members, service providers and representatives of community living associations from across the province.

The minister officially received the report from the transition steering committee, a 25-member committee appointed by the minister from the community and the ministry. The report, titled *A New Vision for Community Living: A Vision of Choice and Change*, recommends a new provincial authority for community living and promised planning support and, at the community level, to provide a greater range of choice for individuals and families. The minister also appointed an interim authority board to plan the transition.

The outburst of emotions expressing the general acceptance of the vision of our minister was overwhelming. Those who were skeptical six months ago became convinced of the vision and the benefits of the new direction. Tears of happiness were shed and gifts presented. Words of appreciation were the order of the day. There was a spontaneous standing ovation for the new direction of the ministry.

I felt very proud of our government and our vision to create an environment where adults with development disabilities and children with special needs can participate in and contribute to their communities and live a full and valued life. Once again, I would like to congratulate everyone involved in this event and, in particular, our Minister of Children and Family Development for his excellent initiative.

**Mr. Speaker:** That concludes members' statements.

#### Oral Questions

##### TRANSFER OF PATIENT IN LONG-TERM CARE CASE

**J. MacPhail:** Today a member of the Liberal caucus was kicked out for speaking his mind on issues important to his constituents. Well, today we're going to talk a bit about how out of touch some members of this government caucus are, who took that decision. The minister has just received notice that I'm going to ask this question.

A few weeks ago we asked the Minister of State for Intermediate, Long Term and Home Care why Edward Laitenen, a senior citizen in Salmon Arm, was billed almost \$200 for the privilege of being shuffled around by ambulance between care homes. After we asked the question, Mr. Laitenen's wife received a call on November 7 from the office of the MLA for Shuswap, promising that the member would phone her on November 12 and see what he could do.

Elsie Laitenen waited by the phone all day on the 12th, but the member for Shuswap never called. In fact, as of 11 a.m. this morning, she still hadn't received a call. It would be too much, I know, to ask the Minister of State for Long Term Care why her colleague didn't deliver for his constituent, but perhaps the minister could say what the member for Shuswap was going to do when he called her to fix Mrs. Laitenen's problem three weeks after it was brought to her attention.

[1415]

**Hon. K. Whittred:** I have been in communication with the interior health authority around this issue that was raised by the opposition. I believe my office has thoroughly investigated the situation. The family is working with a patient advocate, and the interior health authority is resolving the issue with the family.

**Mr. Speaker:** The Leader of the Opposition has a supplementary question.

**J. MacPhail:** I was going to say it's not good enough to promise action — well, anyone can do that — especially since the member for Shuswap is quoted that he would resolve the problem. The point is that actually after you promise action, you have to take follow-up and then carry out the promises. Let me just...

Interjections.

**Mr. Speaker:** Order, please.

**J. MacPhail:** Let me just tell the minister what didn't happen. Not only did the member not phone his constituent on the 12th as he promised, but last week another bill arrived on Mrs. Laitenen's doorstep, charging her for a third trip her husband was forced to take because of the health authority's lack of a bed. Three weeks ago the member for Shuswap said: "Don't

worry. We're going to take care of it." The minister promised action. She's very good at closing beds, shuffling seniors around like luggage, but she can't seem to fix the one simple problem that was brought to her attention three weeks ago. In fact, it's worse. Another bill for another trip has arrived.

Interjection.

**Mr. Speaker:** Order, please.

**J. MacPhail:** Will she now stand up and assure Mr. and Mrs. Laitenen and the hundreds of other seniors being charged unfairly for being moved around like pieces of luggage that they don't have to pay their ambulance bills? Will she encourage...? I was going to ask her to encourage the member for Shuswap to honour his commitments to his constituents, but that's probably unrealistic.

**Hon. K. Whittred:** I am aware of the second billing. The interior health authority, working with a patient advocate, is working with the family, and I understand that will be resolved quite appropriately according to the needs of the family.

#### CRIDGE CENTRE FOR THE FAMILY

**J. Kwan:** Last week the member for Victoria-Hillside got up in the House and said everything was fine at the Cridge Centre. She said it was wrong for the opposition to suggest that child care programs would close at the Cridge because of government cuts. If that is the case, can the Minister for Community, Aboriginal and Women's Services please explain to this House, and in particular to the member for Victoria-Hillside, why child care workers at the Cridge all received layoff notices last week?

Interjections.

**Mr. Speaker:** Order, please.

**Hon. G. Abbott:** What we do know very clearly is the capacity of this very irresponsible opposition to politicize every issue that's of importance to people in this province. This is an opposition who, when they were a government — I don't know if this story has ever been revealed before — blew \$500 million on three fast ferries that didn't float. Imagine that. Imagine the child care that could have been purchased with that \$500 million. This is an opposition who, when they were in government, put together an unsustainable and unfunded universal child care program. They have everything to be ashamed about, and they should hang their heads in shame.

**Mr. Speaker:** The member for Vancouver-Mount Pleasant has a supplementary question.

[1420]

**J. Kwan:** We just heard this morning from the member for Surrey-Whalley actually making a state-

ment about how important child care is. Again to the minister. What we have here is a minister and a member of his own caucus in denial. When he hears the impacts of his cuts, he closes his eyes, he shuts his ears, and he pretends that nothing is wrong. Even some Liberal backbenchers are pleading with the minister to back off on his cuts to child care subsidies, but he won't listen. He won't listen.

The member for Victoria-Hillside said that the Cridge Centre won't have to close child care programs, but the Cridge Centre is laying off staff. Can the minister tell this House what he intends to do to ensure that not one child is forced out of the Cridge Centre because of his deep cuts to child care programs in B.C., and what he's going to do to keep the member for Victoria-Hillside informed on what he's doing with respect to child care services across British Columbia?

**Hon. G. Abbott:** There is at least one area in which this opposition is remarkable. They are remarkable in their capacity for twisting words. They are remarkable in their capacity for concocting stories. They are remarkable.

Interjections.

**Mr. Speaker:** Order, please. Order, please. Let us hear the answer to the question.

**Hon. G. Abbott:** They are remarkable in politicizing issues that are of genuine concern to the government. This is an opposition that has, in their partisan madness, completely lost touch with the people of British Columbia. One of the ways in which they've lost touch is to still think that their unsustainable and, I hasten to add, unfunded commitments around child care simply can go ahead. This is a government that will be protecting child care. We're going to be doing it in a sustainable and funded manner.

#### STUDENT ACHIEVEMENT

**D. MacKay:** My question is to the Minister of Education. Recently, grade 12 exam results from across B.C. were released. In the Stikine school district the average student score on the biology 12 exam was only 26 percent, while English scores were more than 10 percent below the provincial average.

Across this province, the results show that the participation rate in the core subject areas is not strong. Can the Minister of Education tell us what steps she is taking to solve this problem and reverse this trend?

**Hon. C. Clark:** We know that there aren't enough children participating in exams across British Columbia. What that means is that we don't have a complete picture of how well all students are doing everywhere in the province in every topic.

We know that the children who are taking exams are doing extremely well. We know that kids who are taking mathematics are doing extremely well. We rank

amongst the best in the world in mathematics. We are amongst the best in the country in science; 41 percent of all the national science fair awards were won by British Columbia students.

But we need to increase participation rates. We need to make sure that every student has a key grounding in those core subject areas. One of the things that we're talking about with the grad requirements review is a requirement for five exams in four subject areas for every single student in order for them to graduate from a high school in British Columbia. That's how we can ensure that every student has a grounding in all those areas that will be so important for them, no matter where they intend to go in this world and no matter where they intend to compete.

**Mr. Speaker:** The member for Bulkley Valley-Stikine has a supplementary question.

**D. MacKay:** Again to the Minister of Education. Students in my constituency face unique challenges. Small school populations and access to courses are only some of the problems faced by students in my constituency. This government made a new-era commitment to provide top-quality education to students across this province, regardless of where they live.

Can the Minister of Education tell my constituents what steps she is taking to fulfil this commitment and provide students in rural and remote communities the best education possible?

[1425]

**Hon. C. Clark:** I said many, many times that our commitment as a government is to make sure that every child gets a quality education no matter where they live in British Columbia, whether it's in rural British Columbia or urban British Columbia. I recognize that students in rural B.C. have had increasing challenges over the year. That's not a new problem. A problem of declining enrolment is something that's been happening for a long time in many, many rural communities. That's why we appointed a task force to look at rural education. They'll be reporting to us in January with some ideas about how we can make sure that a top-quality, world-class education is available to kids no matter where they live.

Ultimately, as I've said, this isn't a new problem. What we need to do is revitalize rural communities. We need to re-ignite those economies. We need to make sure that those economies have enough jobs that they're attracting new families, that new kids are moving in. That's ultimately what's going to reverse this trend of declining enrolment. That's what's going to make sure that ultimately, rural communities across British Columbia continue to thrive from north to west to east to south.

#### OIL AND GAS RESOURCES

**P. Bell:** The oil and gas sector has become an incredible economic engine in northeastern British Co-

lumbia, but northeastern British Columbia isn't the only area in the province that has oil and gas. The Nechako basin and particularly the Bowser basin are believed to have significant volumes of both oil and gas. I wonder if the Minister of Energy and Mines can tell us what he is doing to promote these basins and other areas in the province to the oil and gas industry.

**Hon. R. Neufeld:** Yes, the oil and gas industry is not the economic engine of only northeastern British Columbia. It's one of the economic engines of the whole province of British Columbia. One thing this government wants to do is move that activity out to the rest of the province.

The member is quite right when he talks about the reserves that are in the Nechako and Bowser basins — six billion to seven billion barrels of oil, ten Tcf of natural gas, all kinds of opportunity. We've done some geoscience in those areas. We're working with first nations in those areas to come up with some kind of an agreement. We've got drilling going on in the southeast for coalbed methane, and in the northeast. We want to, in fact, encourage that to create good private sector jobs and investment in the province of British Columbia. That's what this government's all about.

**Mr. Speaker:** The member for Prince George North has a supplementary question.

**P. Bell:** The oil and gas sector and the dollars provided through that sector benefit all of British Columbia and provide dollars for health care, for education, for all the social services that the members to the left of me who have just left seem to really want. What I'd like to know, I guess, for my region is how the oil and gas sector can help diversify the economy in an area that has been hard hit by the forestry slump in the softwood lumber.

**Hon. R. Neufeld:** There are all kinds of opportunities across the province of British Columbia in the oil and gas industry. Specifically in the Bowser and the Nechako basins, there are huge opportunities. There are also opportunities offshore. We just had a delegation from Norway come talk to us about offshore oil and gas and what it's done to diversify the economies in Norway. That would happen in the Prince George region. There would be all kinds of services that would be procured from Prince George to do the offshore or the Bowser or Nechako basins. Those are all opportunities that are out there.

It's incumbent on this government to make sure we have the right regulations, the right rules, the right taxes in place to make sense for those companies to come. We're trying to encourage them to come to those areas. They are actively interested. It probably won't be all that long before we do some land sales in some of those areas to see what kind of interest we actually have.

[End of question period.]

### Tabling Documents

**Hon. J. Murray:** Mr. Speaker, I have the honour to present the 2001-02 annual report of the Environmental Appeal Board.

### Orders of the Day

**Hon. G. Collins:** I call continued committee stage debate of Bill 74.

[1430]

### Committee of the Whole House

#### FOREST AND RANGE PRACTICES ACT

*(continued)*

The House in Committee of the Whole (Section B) on Bill 74; J. Weisbeck in the chair.

The committee met at 2:31 p.m.

On section 5.

**J. MacPhail:** As I spend more time researching this, the discussion gets increasingly difficult. It's complicated by the point I raised in the opening discussion last night. That is that we are now into a situation where there's a piece of legislation coming that will modify this section once again.

Section 5 deals with the issue of the content of the forest stewardship plan, and it replaces the forest development plan. The first difference between the forest development plan and the forest stewardship plan is the requirements of the map that must be submitted. Section 10(1)(b) of the current Forest Practices Code requires that maps include the size, location and shape of proposed cutblocks with the proposed location of existing and proposed roads. Could the minister explain what the purpose of the old requirement was?

[1435]

**Hon. M. de Jong:** I think the first point I want to try and make, perhaps successfully or unsuccessfully, is to acknowledge to the member that we are replacing, ultimately, an overall statutory regime. As we move through this, it is, I think, valid for the member to look at individual components of it and compare it to what exists under the present code, but at the end of the day, what we will be left with is an overall new statutory regime. When the member suggests we are replacing individual provisions, that's not entirely accurate. We are replacing the overall regime.

There is a difference on the mapping component of this. Forest development plans were for a shorter duration, and the mapping requirement at that stage of the process required more specific information. Again, if the suggestion is that the mapping requirement within the forest stewardship plan is different and less specific than in the forest development plan, then that would be an accurate statement.

**J. MacPhail:** I hope the minister isn't trying to guess my intent here. I'm merely asking questions of information. I mean, I'm the only one asking questions. This is a centrepiece of this government. We had speaker after speaker here at second reading standing up and saying what a great piece of legislation this was, with no specifics in their speech. I'm asking the questions about explaining it to people. Perhaps the minister could answer the question I just asked, which was: what was the intent of the previous legislation? My next question is: have these requirements been eliminated, and why?

**Hon. M. de Jong:** Well, it's an interesting question from a member who was a member of the government that introduced the previous legislation. If the member is asking me to speculate what was in her government's mind when it introduced the previous legislation, then perhaps I'll endeavour to speculate.

**J. MacPhail:** Well, it's surprising that the minister takes such umbrage at this point. I clearly know what the intent was. What I'm doing is being the only person putting these issues on record to explain the direction the government is now going in. These are questions that are coming from the public.

Interjection.

**J. MacPhail:** Yes, as a matter of fact, they are.

**The Chair:** Members, through the Chair, please.

**J. MacPhail:** Well, if the minister can't justify the change himself, then I'll put on record the point of view of one group of stakeholders.

Did something happen in the course of the last 20 minutes or something that everybody's upset? These are legitimate questions.

Interjection.

**J. MacPhail:** I am asking them, and the minister is taking umbrage at them.

Here's the concern. As I opened up, I said the forest stewardship plan replaces the forest development plan. Here is the point of view expressed by the ENGOS, who, I might add, also reflect some of the concerns of the workers in the industry as opposed to the industry business side, the company owners. "The one approved plan will be more general than the current forest development plans because they will identify general areas of proposed operations called forest development units, as opposed to roads and cutblocks." That was the nature of my question to the minister.

[1440]

"This has been the case even before the current code — that industry, even in the sympathetic administration, had to provide plans for roads and cutblocks. While it will be left to the regulations to determine the content of these plans, the statutory indication of how general they

are intended to be gives us cause for concern that it will be considerably more difficult for agency officials to determine the impact of proposed logging operations when approving them."

By the way, Mr. Chair, the minister himself has this letter before him. He acknowledged that this morning.

"This concern is compounded by what we view as weak approval criteria for a stewardship plan. In addition to complying with the letter of the law, the minister must consider whether the results or strategies proposed by a company are 'likely to achieve the objectives set by government.' What if no objectives are set by government, as is the case for many areas in the province?"

That's the land use planning process.

"We do not see a clear legislative requirement in Bill 74 to set meaningful environmental and biodiversity objectives. While we understand the government intends to spell out more specific desired outcomes in regulation, the approval criteria are not linked to achieving these outcomes. We would have more confidence in this legislation if it clearly specified environmental outcomes and required decision-makers to be satisfied that proposed plans will achieve those outcomes."

My question, in making the shift.... This is a very specific.... This is not a question where the minister can stand up and say: "Well, we've gone to a whole new area." This is the new area that's replacing the old regime. This is the nub of it.

Prior to the introduction of this legislation, prior to the Forest Practices Code, companies had to provide maps that included the size of proposed cutblocks — the location and the shape — and the proposed location for existing and proposed roads. Those are no longer required under the forest stewardship plan. Why?

**Hon. M. de Jong:** The member's assertion that that degree of detailed mapping is not required simply isn't correct.

**J. MacPhail:** How will it work, then, in terms of the approval process?

**Hon. M. de Jong:** We've been through this in part. There is a forest stewardship plan, which is what we are discussing now. It extends for a five-year period and is renewable for a further five-year period. It is necessarily going to be somewhat more general, although it will identify the area. It will require, prior to the commencement of any harvest activity, the issuance of site permits and road permits. Therefore, those site plans will be prepared. It will require the preparation of the type of mapping that has been prepared to this point. It is not, again, unlike the situation that exists under the pilot projects that are in operation this very day pursuant to the existing provisions of the Forest Practices Code.

**J. MacPhail:** I appreciate that the minister is trying to suggest that somehow — and I'm sure this is his link — because the previous government instituted pilot

projects, that's justification for his actions here. We'll debate that later.

Interjection.

**J. MacPhail:** I said we'll debate that later. Frankly, because I haven't got any answers to it, I haven't come to any conclusion about that whatsoever.

[1445]

I asked a specific question: is approval required for the location of cutblocks and for proposed road location? Is approval required for those now under the forest stewardship plan? The answer is no. Or am I wrong?

**Hon. M. de Jong:** Hopefully, this will help the member. When we get to the nub of it, I think her question is: are site plans approved in the way they have traditionally been approved under the existing regime? The answer to that is no.

**J. MacPhail:** Well, perhaps the minister could say — and he's got the experience from pilot projects: what's the size of an area that a forest stewardship plan could cover — some example?

**K. Manhas:** I'd like to ask leave to make an introduction.

Leave granted.

### Introductions by Members

**K. Manhas:** I'd like to introduce a couple of constituents that I ran into in the building here just recently: Jessie Tyson, who's just immigrated from England to B.C. She's looking to become a citizen, and she's been retraining to become an administrative assistant. She explains to me that she's had considerable help from Victoria, and she's quite happy with that.

She's here today with Arthur Perot from Port Coquitlam in my riding. He works for Ad Print/Amco, which, I'm told, has increased their business over the last number of years and is looking to increase that too. I would ask the House to please welcome them here and wish them to enjoy a great trip to Victoria.

### Debate Continued

**Hon. M. de Jong:** Depending on the circumstances, it could be an area under a thousand hectares; it could be an area larger than that. In the Fort St. John pilot where there is area-based management, cooperation amongst licensees, it could be an entire timber supply area.

**J. MacPhail:** Here's my point: we could be dealing with an area the size of P.E.I. It's a possibility that the timber supply area could be the size of P.E.I. Previously, under the old Forest Practices Code, in order to get approval to maintain all of the sustainability and

biodiversity values, as well as to allow a company to go in and cut wood that will allow them to sustain themselves and their workers and their community, one had to put in place a plan that would deal with the exact part — let's say, an area the size of P.E.I. — that they were going to go in and log. It was part of the approval process.

It wasn't that they could say, "Oh, my area covers P.E.I., and here's my plan to achieve these outcomes throughout the whole area of P.E.I.," because maybe there's an area of sensitivity within that range. Maybe there's an area of concern. Maybe there's a community watershed. The company — and they've had to do this for decades — had to actually determine the size and the location of the cutblock in an area of the size of P.E.I., and then they had to show the proposed roads into that area.

[1450]

Now they just have to show what their intent for outcomes is for the whole area the size of P.E.I. That's what the plan requires for approval now. So I'm asking: why is it that somehow this is an improvement on ensuring sustainable outcomes?

**Hon. M. de Jong:** Well, in fact, all of those things that the member has identified are areas and issues that the proponent or the licensee will have to identify. I note that in the sample forest stewardship plan I'm looking at, there is specific provision made for sensitivities around water, fish, riparian, soil, biodiversity, timber, the higher-level plan objectives, the community advisory group that is in existence there, recreational values and wildlife values. The point, I think — and I don't want to be argumentative — is this: there is clearly a difference here, insofar as proponents under the regime that is set out here will identify those sensitivities in the forest stewardship plan. All of the more detailed planning work set out in the traditional site plan is done and must be consistent with the forest stewardship plan. That document is not approved in the same way that it is under the existing code. The member says she is troubled by that, and I'm suggesting in reply that there are appropriate safeguards in place to ensure that the outcomes we are seeking to achieve are in fact achieved.

**J. MacPhail:** I might just note for the minister that the pilot projects do not in any way reflect a full sampling of the geographical diversity, flora-fauna diversity, watershed diversity or the riparian zones that exist throughout this province. So somehow, if the minister suggests what was tried by the previous government in a pilot project can be transferred to the entire province now, we're just going to have to simply disagree.

Here we have a situation where we just found out before lunch that in the new regime, community watersheds have no special protection whatsoever — none. That will be interesting — to see how this government's safe drinking water legislation proves to be a success. Community watersheds have no protection whatsoever, and we now have a situation where a li-

cence, a stakeholder, can put forward a forest stewardship plan that covers an area the size of P.E. I., and they don't have to give any specifics about where they're going to cut. In fact, they could move around after the plan is approved. They can move around where they're going to cut. Perhaps the minister could explain to me where it would be prohibited by this forest stewardship plan that they could cut in certain areas of their TSA.

**Hon. M. de Jong:** Well, I need to take issue with the member's first statement around protection for watersheds, and we will revisit that issue when we get to section 150 of the bill. Beyond that, let me say there is a regime being put in place here that requires the preparation, by licensees — proponents — of a comprehensive, detailed forest stewardship plan within which there must be management for a series of values, and they are enumerated here.

[1455]

Before harvest activity can take place, there is a requirement for the preparation of traditional site plans, which gives rise to the issuance of road permits.

Is there a greater degree of flexibility? I think there is. I think this legislation — and we'll get to this — contemplates a licensee's ability to make minor amendments. That is not something that is presently provided for.

It seemed to me that the member suggested that the opportunity to move around within an area that has been designated for harvest activity is somehow a nefarious or terrible thing. I will suggest that as long as the requirements are complied with, as they relate to the preparation of the site plans and the obtaining of the requisite permits, that is not nearly as insidious a development as she seems to be suggesting.

**J. MacPhail:** Perhaps the minister could actually put some meat behind his words. In an area the size of P.E.I., which could include a huge range of diversity, what was the thinking behind turning over to the company — the licensee, the stakeholder — the right to move around inside that area without any approval necessary in terms of cutting?

**Hon. M. de Jong:** It is this notion that the member is promoting that a stakeholder or licensee can move around within a forest stewardship plan area with impunity that I am having difficulty with. The proponent will need to lay out within that plan the specific forest development units, which will in a sense provide the boundaries within which that type of activity can take place. A plan that is not prepared with sufficient detail in that respect simply wouldn't be deemed acceptable.

**J. MacPhail:** Yes, we'll come to the forest development unit as a new creation inside the forest stewardship plan, but if we actually look at that, it's in the negative — in the breach — that the legislation addresses forest development units. It says: "The minister may not refuse to approve a proposed forest steward-

ship plan that carries forward an existing forest development unit..." That doesn't give me any comfort whatsoever — none whatsoever.

I guess we'll just have to leave it at that for that area. This is a huge area of concern, a huge step in a direction that's never been seen before in this province — ever — in terms of a legislated mandate for licensees and their right to not have to develop this. Again, there's another requirement that's been eliminated.

Before I move on, could the minister point out to me where either the Forest Act or any act shows the requirements for approval in order to get a permit for a road?

[1500]

**Hon. M. de Jong:** My recollection is that a district manager may only issue a road permit pursuant to provisions of the Forest Act where that road is shown within a forest development plan.

**J. MacPhail:** Yes, but you see, those have been eliminated. The forest development plans have been eliminated. There's no requirement for road approval anymore, so I need a concrete assurance. I'm absolutely fine to stand this section down until the minister can show me. He offered this up as comfort, and I'm fine to take comfort. But the requirement for road approval, as I recall — and I want to be proven wrong — rests on the forest development plan, which is being eliminated.

**Hon. M. de Jong:** Hopefully, this will help the member. Moving down from the forest stewardship plan to the forest development unit, roads will have to be contained within that forest development unit — therefore, part of an approved plan. If the question is whether a similar approval process applies to each and every road in the specific in the way that it has under the existing regime, then the answer, again, is no.

**J. MacPhail:** What are the changes?

**Hon. M. de Jong:** Sorry; I don't understand. In what sense?

**J. MacPhail:** How does it change? What was the previous approval that was required for a road, and what's the difference? What will the new process look like versus the old process for approving roads in terms of the requirement? There was a requirement under the old code that requires a schedule of proposed timing for the timber harvesting but also for road construction and then deactivation of roads too. What will it look like under the new plan?

[1505]

**Hon. M. de Jong:** The mechanics around road permit issuance will not be substantially different. The difference will be that they will be checked off against their appearance in a forest development unit as opposed to the present mechanism. With respect to deactivation, those are objectives that will be laid out by the

proponent in the forest stewardship plan, and they will be measured against their achievement of those objectives.

**J. MacPhail:** Section 5 of Bill 74 requires that forest stewardship plans must specify intended results or strategies. When the consultation process was going on this past spring, there was a lot of criticism that arose directed at the unclear outcome statements in that discussion paper. The minister has acknowledged that. We still have a lot of work to do on the outcomes. Perhaps the minister now has a better, clearer idea of what the intended results will be and how they'll work under the forest stewardship plan.

**Hon. M. de Jong:** The member has certainly got it right when she says that there is work to be done in terms of defining those outcomes. They will appear in regulation, and we are entertaining submissions and input from a broad range of stakeholders to help us finalize that regulatory framework in which those objectives and outcomes will be defined.

**J. MacPhail:** We have legislation right now that I'm wondering whether the industry has expressed any anxious curiosity about. It says that the forest stewardship plan must specify intended results or strategies. I assume that it will be the stakeholder that will be developing the results or strategies upon which the plan will be approved because the ministry has said quite clearly: "We're getting out of the business of government doing it."

What consultation have you had with the companies in terms of the costs that will be associated with them now having to do this on their own, or is there any additional cost that the industry has suggested will have to be incurred?

**Hon. M. de Jong:** Just to help me provide an answer that is helpful to the member, are we now referring to the provisions of section 5(b) or section 5(2)?

**J. MacPhail:** It's 5(b).

[1510]

**Hon. M. de Jong:** Thanks to the member for particularizing the question.

The responsibility for preparing a forest stewardship plan that specifies the intended results and strategies falls to the proponent. They will lay out, much as they have — and I keep referring back to some of the pilots — how it is they intend to achieve and manage for the values laid out in 5(2).

There is undoubtedly some cost associated with assuming that responsibility. My information, or the advice I have received from the industry side of the equation and woodlot owners and cattlemen, is that the overall package provides them with a degree of flexibility and reduces the regulatory burden they are facing through approval processes and other transactions with government, so there is a net saving. We've

already canvassed what that may or may not be, but there is, I think it's fair to say, the assumption of responsibility, and with that goes the assumption of some cost.

**J. MacPhail:** Just to be clear, this is a transfer of costs. Or maybe I'm wrong. There was a cost borne by government to do this work, and now it's being left to the proponent, and they will now bear the cost that used to be borne by government.

**S. Brice:** I'd like to ask leave to make an introduction.

Leave granted.

### Introductions by Members

**S. Brice:** It's with pleasure that I welcome into the Legislature this afternoon 25 members of the Royal Oak Probus Club. The Probus Club is a group of retired businessmen, and they're here with their wives. They've been enjoying the Legislature, and they're here to take part and enjoy the discussion on this important piece of legislation. I ask the House to make them welcome.

### Debate Continued

**Hon. M. de Jong:** There is certainly an assumption of greater responsibility on the part of those individuals, those agencies preparing the forest stewardship plan, for laying out the objectives, the outcomes. Though it is at that stage still a comprehensive document that must be approved by government, I can only relate to the member some of the anecdotal information that has been relayed to me by various stakeholders — that is, their belief that they are better equipped to conduct this work, and given the flexibility that is built into this, there is greater opportunity for them to realize, ultimately, some cost savings that to this point weren't available to them under the existing regime. It does represent a transference of responsibility to some degree.

**The Chair:** For the information of the gallery, we are debating Bill 74, the Forest and Range Practices Act.

**J. MacPhail:** I knew that. [Laughter.]

Interjection.

[1515]

**J. MacPhail:** I know. I'm just teasing.  
Section 5(1)(b) also states that the plans must conform to prescribed requirements. That's a bit of a throwback.

**Hon. M. de Jong:** It's (c).

**J. MacPhail:** Sorry — section 5(1)(c). Could the minister elaborate on what the "prescribed requirements"

will be? Why the distinction now between "specifically intended results or strategies," which clearly, as we've just discussed, will be the responsibility of the industry, and these prescribed requirements which I assume will be prescribed by government?

**Hon. M. de Jong:** The provision is not unlike section 10(1)(ii) in the existing Forest Practices Code. By that I can relate to the member that what is contemplated is something of a prescribed form or format for the forest stewardship plan. This provision provides us with a mechanism by which we can provide for that prescribed format.

**J. MacPhail:** Okay. I guess we're talking about a form, not prescriptive for objectives or outcomes. Well, let me just ask, then: in the area of road construction that we've just discussed, will there be any prescribed requirements for road construction?

**Hon. M. de Jong:** Roads will have to be provided for, constructed, in a way that is consistent with the other values that are enumerated here and must be consistent with achieving the objectives in those value areas. There is a separate provision within the act — I believe section 22 — that refers specifically to roads and road deactivation.

[1520]

**J. MacPhail:** Thank you.

Let's talk about objectives. We've already discussed objectives set by government. Then in this section, 5(2), we have that the objectives set by government have to be consistent in certain subject areas. The subject areas listed are soils, visual quality, timber, forage and associated plant communities, water, fish, wildlife, biodiversity, resource features and cultural heritage resources.

We're at the nub of the issue about what work still needs to be done, because all of these are going to be set by regulation. We don't have those regulations before us, so it's impossible to debate them now. It is a huge part of the forest stewardship plan that people have to take on faith.

I want to explore.... Perhaps the minister could outline now what process is in place for establishing the regulations around this matter.

**Hon. M. de Jong:** We are continuing to meet with individual stakeholder groups. I can tell the member that that club has expanded over the past number of weeks and — happily, I might say, given what I detect to be the tone of the letter the member and I received today — may expand further.

The member's right. This is a vitally important part of this process. Settling upon definitions around those values and those objectives does go largely to the heart of the issue here. My hope is that we can marshal the ingenuity and the experience of all of those stakeholders, whether they are biologists, agrologists, foresters, licensees, environmental organizations or cat-

tlements. When I say licensees, large and small independent operators on the land base all have a perspective to bring on how we define in regulation these various values. That work is ongoing. The member will know — or perhaps doesn't — that I have expressed my desire to, in short order, establish a standing public consultation body.

My recollection provided for it specifically in this bill, and I think it could have a role to play in refining these regulations and tracking them on an ongoing basis to ensure their effectiveness.

**J. MacPhail:** Who are the members of the club as we speak?

[1525]

**Hon. M. de Jong:** I don't want to suggest to the member that there is a body. We are involved in discussions with the range of stakeholders that I have referred to earlier. As I said, of late, we have seen involvement from those and others. First nations have been involved, and over the course of the past month and a half or two months I think it was unfortunate that we didn't see a degree of involvement from the environmental organizations. It appears there is some prospect of that changing, and I am happy to take advantage of that offer or sentiment if, indeed, I have read the letter that the member and I have received correctly.

**J. MacPhail:** Well, because this is the nub of the issue about consultation, Mr. Chair, now, about developing the regulations that are the foundation of this whole piece of legislation, let me read into the record the view of the environmental non-governmental organizations about what the consultation process has been so far and their commitment in the future. It's the letter dated yesterday to the Minister of Forests, copied to me, and I am working with it as one of my sources for questioning the minister.

Here's what this group had to say about consultation. It's entitled "Engagement of environmental groups in the process." The letter is to the Minister of Forests:

"You have commented publicly that the environmental community pulled out of discussions with government in the summer. I would like to explain our organization's perception of the consultation process to date. We consider ourselves among the groups that, as you say, 'have demonstrated in the past the capacity for approaching these issues in a responsible way.'

"We were therefore pleased to learn that the government was planning to have a public process around this major law reform initiative, because there have been several instances where this has not been the case. When the government announced the consultation process to be overseen by Professor Hoberg, we participated in good faith and provided extensive comments on the ministry's discussion paper.

"While awaiting the government's response to Professor Hoberg's recommendation, we learned that the government already had established several committees with forest industry representatives and that substantive

discussions about legislative content were taking place without ENGO involvement. We understand that the British Columbia Environmental Network Forest Caucus sought access to that process but were told that it was not possible to have government, industry and ENGOs in the same room.

"As an alternative, we sought a separate, parallel opportunity that offered parity of process rather than a few rushed meetings over a short time period. No meaningful process in terms of political commitment, opportunity to shape substantive decision or time lines that allowed meaningful engagement were offered. We did have some discussions with your staff on possibly providing comments just before its introduction, but as a result of those conversations, it became apparent that the decisions had already been made on key issues. Given that, there appeared to be little reason for participating in what appeared to be a charade of public consultation."

Mr. Chair, I'm reading from a letter from the West Coast Environmental Law Association speaking on behalf of the environmental non-governmental organizations. The letter goes on to say:

"Nevertheless, we believe that it is important to have our concerns laid out as a matter of public record before the bill is passed. We are therefore offering these comments to you and others. We appreciate your comments in the Legislature that 'there is a chair at this table for you to sit down and work with government.' We believe there is ENGO willingness to engage in the regulations so long as the opportunity is seen as meaningful consultation with realistic time frames. We will, however, avoid participating in processes that are not meaningful."

So, I'm wondering whether the minister, having either read that previously or having me read it to him, has a response.

[1530]

**Hon. M. de Jong:** Well, suffice it to say that my assessment of the process that took place and the opportunities for meaningful involvement is different than the author's. I mean, I suppose I could read into the record copies of correspondence of my own. I'm not sure that is particularly helpful. I do not doubt that the author of the letter that the member has read from feels the process was not one they were, at the time, comfortable participating in. That's unfortunate.

Rather than engage in a prolonged debate through this member with that author, I am more interested in moving forward and doing what I can to ensure that a climate exists where that organization and others from the ENGO community feel they can participate in a meaningful consultative process. I say candidly that consultation does not always mean that all of one's views are ultimately embraced and reflected in the final product. I say that to any stakeholder, and all of them have come to the table and participated in this process with requests or opinions or perspectives that have not in their entirety been reflected in the final document. So, yes, governments make decisions based on the information and submissions provided to them, but the message I would like to convey today is that an organization such as this, which is interested in par-

ticipating in a meaningful consultation process, is more than welcome to do so.

**J. MacPhail:** Let's just try to put some shape to that commitment then. We learned two weeks ago that the regulations must be set by early December, and that's because staff in the ministry have to start being trained in January. It's November 19. Perhaps the minister could outline the time frame for establishing the consultation and finishing the consultation and putting the regulations in place.

**Hon. M. de Jong:** I am sufficiently motivated to try and involve as many of these stakeholders as possible to advise this member and others participating that it is more important to me that we have the benefit of their participation and submission than to necessarily abide by a pre-Christmas time deadline. It appears to me, given where we are in this debate, that the likelihood of us completing this process prior to the end of January 2003 is pretty remote. If we are going to have that opportunity for a meaningful exchange, I hope stakeholders will understand that I am certainly prepared to ensure that the process is ongoing through that from now until then.

**J. MacPhail:** I'm sure that will come as a welcome relief.

Who's on the list to be consulted? The minister said first nations were going to be consulted, and I guess now ENGOs will be consulted. We also received another letter from the Carrier-Sekani tribal council, who are still raising concerns around this. My colleague and I attended the Union of B.C. Indian Chiefs annual general meeting last week, and there were still substantial concerns around consultation. It may be just that the information and the invitation haven't got through yet.

[1535]

I appreciate that the minister has now extended the process for six weeks so that there's six weeks left, but surely there must be an invitation list. What is it?

**Hon. M. de Jong:** I think the member's question.... I was going to say it related specifically to first nations, but I don't think it did. It was a broader question. I can certainly provide the member with a list of the groups that we have been engaged with. I have no difficulty doing that.

I can tell the member, as well, that the Aboriginal Forest Industries Council is an agency that has expressed an interest in participating in detailed discussions. I think it is legitimate for them to do so and welcome that participation.

I think, candidly, we have to be practical, as well, about how we do this. To suggest that we would convene a congress of 300 people to draft these regulations would be not only impractical, but it would be misleading for me to suggest to the member that I thought that was a workable model for achieving our objectives.

**J. MacPhail:** Okay. If the minister doesn't want to tell me who he's consulting with, does he know who

he's consulting with? Is there a list? There are six weeks left. The West Coast Environmental Law Association has not been invited yet. The Carrier-Sekani hasn't been invited yet. The Carrier-Sekani refers to that forum, this aboriginal forum that the minister just acknowledged as not being engaged in this process yet. I have the letter here if the minister wants to see. That's all I'm asking: when will people know if they're going to be engaged in this process?

**Hon. M. de Jong:** We are working with stakeholder groups now. I've mentioned a series of them. I can mention them again: the agrologists association, the biologists association, the Cattlemen's Association, the interior loggers association. I can go through a series of them. I can go through a series of the first nations we have met with and will meet with.

I have already mentioned to the member my interest in establishing the public advisory body that will provide an ongoing forum for this process. We are interested in involving stakeholders with an interest in this legislation in what is, candidly, a key component of it, and that is the preparation of the regulations. But I hasten to add that participation and exchanges do not constitute for any one group a veto, and the likelihood that any one group is going to get precisely what it wants at the regulatory stage is no more likely than it was at the stage of drafting the legislation.

[1540]

**J. MacPhail:** That's the second time the minister's raised that. I haven't heard of anybody demanding a veto anywhere. Even the industry isn't demanding a veto. I only say to the minister that the way this process is going to be legitimized is by ensuring that the consultation process on the regulations works.

There was huge dissatisfaction about the consultation process prior to the legislation being introduced. Dr. Hoberg, the minister's own director of consultation hired by him, was dissatisfied with the consultation process and made a series of recommendations around consultation that were not carried out prior to the introduction of the legislation. If that same sort of concern remains after the regulations are gazetted, then we have a problem in this province. What role will the Minister of Water, Land and Air Protection or her staff play in developing the objectives?

**Hon. M. de Jong:** They have been and will continue to be full partners in that process.

**J. MacPhail:** What does "full partners" mean? I'm unclear how it works. The minister says there's not going to be a forum of 300. Nobody suggested there should be. How does that consultation work where the Minister of Water, Land and Air Protection is a full partner?

**Hon. M. de Jong:** As a former minister of the Crown, I think the member has some sense of how policy development and implementation take place at

this level. There are, in fact, cross-ministry ad hoc committees both at the ADM and at the directors level, which meet regularly, where there is dual participation and a full exchange of ideas and information.

**J. MacPhail:** Yes, I'm aware of a cabinet committee that existed under the previous administration that I don't think exists anymore, the Environment and Land Use Committee. Is there a similar committee? Do the ministers participate directly in the setting of these regulations? Do ministers set...?

The Environment and Land Use Committee, ELUC, was a committee of cabinet. These matters would have been referred to cabinet. Is there such a forum, or is it at the officials' level that all of the joint full-partnership consultation takes place?

**Hon. M. de Jong:** I am advised that when the present code was developed.... I'm not sure I've said this, but my recollection, by the way — lest anyone thinks this is somehow a horrific departure from practices of the past — was that that code was introduced in the absence of regulations, which took a subsequent period of time to develop. That process did not involve the cabinet committee that the member refers to but, in fact, a series of cross-ministry committees that were established.

**J. MacPhail:** I'm not sure. I almost want to say me-thinks the minister doth protest too much. My question isn't about what happened in the past. ELUC did meet and did meet on the Forest Practices Code. That's not the issue. I'm asking the minister what exists now. Is there ministerial engagement, or is it officials' engagement?

**Hon. M. de Jong:** Both.

[1545]

**J. MacPhail:** We've talked already about the importance of land use planning and higher level planning in relationship to setting these objectives. Is it the minister's view that one can set objectives without having the land use planning completed?

**Hon. M. de Jong:** Yes.

**J. MacPhail:** What land use planning is needed? Could the minister outline, list for the Legislature, the land use plans that are not yet complete and need to be completed before objectives can be set?

**Hon. M. de Jong:** In the spirit of providing accurate information, perhaps that is something I could obtain for the member from the responsible ministry, Sustainable Resource Management.

**J. MacPhail:** Thank you. We'll probably be in this debate tomorrow, so tomorrow will be fine.

There are land use planning processes going on now where the minister commits they will be completed before objectives are set.

**Hon. M. de Jong:** No, I can't offer the member that assurance. The package is designed to contemplate the possibility that that comprehensive, higher level land use planning process across the province will not be completed. Therefore, it contemplates the establishment by government of a specific set of objectives in areas where that process has not been completed.

**J. MacPhail:** Let me explore that area a bit with the minister, then, because various contributors to the consultation process expressed how crucial the land use plans were to a results-based code. It's different. The completion of land use planning becomes crucial when one is moving to a results-based code, said various contributors to the consultation process. The reason for that was because in order to develop appropriate objectives, land use plans should be complete.

[1550]

Let's explore a bit more what happens in areas where the land use planning process is currently incomplete. Is there an opportunity for interim objectives by the Sustainable Resource Management minister? Is that what the Forests minister is suggesting?

**Hon. M. de Jong:** Indeed, interim objectives — but they are set by the Forests ministry.

**J. MacPhail:** Does the forest stewardship plan, then, have to be consistent with the interim objectives set by the Minister of Forests?

Just out of curiosity, why is it the Minister of Forests that sets the interim objectives but the Minister of Sustainable Resource Management that sets the permanent objectives?

**Hon. M. de Jong:** The answer to the first question is yes. I'll take a moment to deal with the second question.

[H. Long in the chair.]

I apologize to the member for the delay. This is a tool designed to provide on a temporary basis the Forest Service and Forests ministry with the ability to set those interim objectives as they relate to these values and the operation of forest-related land use, pending the completion of the broader land use planning process that now falls within the jurisdiction of the Ministry of Sustainable Resource Management.

[1555]

**J. MacPhail:** Thank you for that.

When interim objectives are set, the forest stewardship plan is approved and the final land use plan is approved, what happens then in terms of regulations or objectives? Is it a brand-new process, or is it an amendment process?

**Hon. M. de Jong:** The act — I'm now looking at section 8 — actually contemplates that very scenario and does provide for a reopening of the forest stewardship plan and imposes the obligation that the forest stewardship plan be made or remain consistent with the final land use plan.

**J. MacPhail:** It's my understanding that the forest stewardship plans will bring planning for objectives to the front end of the process, and that's good. In fact, I support that, but there are a number of uncertainties and anxieties being expressed by some community groups, first nations and environmental organizations about the after-the-fact nature of the plans — sort of the lack of specific information around what these objectives are and how they'll be developed. During second reading, I did express my disappointment that the regulations defining the objectives were not present in the debate. We've addressed that issue. We've now discussed how those regulations are going to come about. Once regulations are established around objectives, we've addressed how they'll work with land use planning.

What I want to do is ask the minister a series of questions about the nature of the consultation around specific values. The first objective.... Well, let me see. I want to make sure I'm using the language correctly. Yes — around specific objectives. Objectives are listed in section 5(2)(a). Let's just take, as an example, soils. What is the minister consulting on in terms of establishing objectives around soils? One of the areas that I'm concerned about is — we've already mentioned it — soil disturbance on its own and in community watersheds. Let's just start with those.

**Hon. M. de Jong:** To the member: if I could, I just want to clarify. Her question relates to the consultation that is taking place around the establishment of the regulatory basis as opposed to consultation that might relate to a specific forest stewardship plan.

[1600]

**J. MacPhail:** Let me outline my issues around soil, if I may. I've already talked about soil disturbance on its own, but soil disturbance in a community watershed.... What rules are there around slope stability in sensitive areas? I've met with some companies who are developing new techniques around soil stability. That's a good thing, but I'm wondering what the nature of discussion around an outcome would be when there's a failure of soil stability in a sensitive area. That's basically it.

**Hon. M. de Jong:** Let me see if this properly addresses the question. The member asked about the question of soils. I think the question is: what is it you're interested in, in an outcome statement, when you talk about soils?

She mentioned watersheds. I'm going to suggest to the member, in terms of looking at the outcome statement, that's probably something that will be captured

under "water" as opposed to "soil," although there's clearly a relationship there.

She mentioned slope stability. That is something that has an obvious relevance to outcomes as they relate to soil — levels of soil disturbance, the footprint that harvest activity leaves on the land base. Soil exposure would be another issue that would be relevant to that discussion in terms of preparing an outcome statement.

**J. MacPhail:** The next objective is visual quality. I am going to ask the minister to just address generally what is meant by visual quality. I remember this as being my first discussion at the cabinet table, about site corridors in terms of cutblock areas.

Let me ask this: what is the minister's consultation involving in terms of the general visual quality objective? Will there be specific and separate requirements for areas with high levels of tourism and recreation activities corridors — visual corridors to protect against what some might view as unsightly views?

**Hon. M. de Jong:** The differential that the member referred to does exist now and will continue to exist and be taken account of through this process.

[1605]

I might take advantage of this moment and this question, hon. Chair, to highlight something that I have come to be familiar with as a result of the involvement of Professor Hoberg and UBC. That is that some of the fascinating work taking place around computer-enhanced imagery, where the ability to actually project some of those visual qualities and to present what an area will look like from different perspectives, different elevations following harvest activity, has now reached an incredible state — a very developed state.

Though it seems to be, at the moment, a tool that is finding application at the academic levels, I rather suspect that very soon we will see those kinds of tools used on a regular basis as part of the public consultation that is contemplated in the preparation of a forest stewardship plan where licensees will bring this technology and say to people who have concerns around view corridors: "In terms of the view corridor, this is what we believe harvest levels of this sort will result in."

So the answer to the member's question is yes, and some of the technology that has been developed out of institutions like UBC is improving the ability we have to look ahead to the impacts of some of these activities on the land base.

**J. MacPhail:** My second question in this area is actually a general question to all these objectives, even though I am going to go through the individual objectives to at least put on record issues that I want to see included in the consultation. My general question is: does the objective set the result for which there could be a penalty, if not complied with?

**Hon. M. de Jong:** These set the general outcomes that are required under the legislative framework. For

enforcement purposes, we then look to two different sources — that is, any additional regulatory provisions that speak specifically to those outcomes and the forest stewardship plan itself. In either case, if the licensee finds themselves out of step with either, then they will find themselves out of compliance.

**J. MacPhail:** Just before I move on to timber, will a licensee, a stakeholder, know clearly what his or her penalty will be for non-compliance around a particular objective? Is there a judgment element to it?

**Hon. M. de Jong:** There are two possibilities in that kind of scenario. One depends on the application of an administrative penalty, and the other would be triggered if there were an actual offence under the act. In both cases, there are ranges of penalties. I think the member's question was: if there is non-compliance, will the proponent know?

[1610]

The system is designed to operate in a way that if the objectives or results are not met, that will constitute an abrogation of the responsibility under the legislation and therefore trigger a penalty. It could be an administrative penalty, depending on the circumstances, or it could be an offence, which is triable via the courts.

**J. MacPhail:** Let's just carry on. This discussion I've been asking about applies to all objectives.

Under timber, I note that there's no explicit reference to old-growth retention in this act. Will there be specific objectives for old-growth retention?

**Hon. M. de Jong:** It is our intention to set in regulation retention requirements for old growth. Those requirements will have to be dealt with specifically in the forest stewardship plan.

**J. MacPhail:** That gives me comfort. In examining what has already been in place for penalties in the past for failing to meet a timber objective, is it the minister's view that there will be...? Let's just stick to the area of timber. Will the penalty for failing to meet a timber objective remain the same, or is every penalty up for re-examination and change?

**Hon. M. de Jong:** Hopefully, if I use a specific example, it will be helpful to the member. The obligation as it relates to timber would capture the obligation to take a harvested area back to what is called free-to-grow status. The failure to do that would represent abrogation of one's obligation.

It would be an administrative penalty because the obligation would continue, and it is my expectation that the penalty associated with that administrative breach will be increasing.

[1615]

**J. MacPhail:** The next objective is called forage and associated plant communities. I was trying to find out, through looking through the current act, about what

addressed this issue and perhaps what this objective is replacing.

Let me suggest this. In the current act, under section 17, there is a requirement for the holder to identify and classify certain areas — streams, wildlife habitat, scenic areas, recreation features. First of all, under the old act, they have to identify and classify those, and then there's a requirement later on that the holder must collect and analyze data respecting the following. Those, I think, are gone now. How does an objective around forage and associated plant communities get set? What's taken into account in this area?

**Hon. M. de Jong:** This is particularly relevant to the range use and ranching community. What are the kinds of things that are involved here? Well, they relate to biodiversity on the range. In the past there have been some prescriptive requirements around the length that grass is left at following grazing, reseeding and grazing at particular times of year. Those are, broadly speaking, the kinds of issues that arise around the use of range, and they will have to be addressed in what in this case would not be a forest stewardship plan but a range use plan.

**J. MacPhail:** Okay. Moving on to water. Is this the area where we discuss community watersheds and how protection for community watersheds will be established through this objective?

**Hon. M. de Jong:** Yes.

**J. MacPhail:** How will community watersheds be protected?

**Hon. M. de Jong:** Perhaps most importantly, let me begin by saying that community watersheds will have to be designated as they are presently designated. From that flows a series of other requirements that relate to conduct around in-flows for community water systems: managing risks to the quality of the water, the timing of water flows, channel integrity, drainage patterns, riparian zone management. Those are all issues that obviously impact on water quality generally, and when we're talking about community watersheds, which will be designated, there's an obvious enhanced importance.

**J. MacPhail:** Who designates the community watersheds?

**Hon. M. de Jong:** Watersheds that are presently designated will continue to be so. I think it's section 150 of this act which creates the ability and the process by which new community watersheds would be designated.

[1620]

**J. MacPhail:** There is a biodiverse concept of sensitive streams. Will that concept be captured in the setting of objectives in the area of water?

**Hon. M. de Jong:** Yes. It is a legitimate issue in the establishment of these regulations.

**J. MacPhail:** In the area of fish, my staff were assured during our briefings that riparian habitat and zones will remain as they are, and the minister, I think, just confirmed that. Did I hear that earlier under the discussion of water?

**Hon. M. de Jong:** The answer to the member's question is yes, but in fairness, I want to point out one distinction. It is the rule that a licensee, a rancher or a woodlot owner would have the option of presenting a case for something different, but the onus would fall to that proponent to demonstrate that these objectives are being met and that divergence from the norm would have to be approved. The onus would fall on the proponent to demonstrate that the values and objectives are being met.

**J. MacPhail:** Will there be any actual prescriptive requirements around the preservation of riparian habitat and zones?

**Hon. M. de Jong:** Yes.

**J. MacPhail:** What role will the minister...? There are two that I'm concerned about. Actually, I assume that the Minister of Water, Land and Air Protection will have a role in setting these objectives. What role does the Minister of Agriculture, Food and Fisheries play in defining and enforcing these objectives?

**Hon. M. de Jong:** That is a function that will fall to Water, Land and Air Protection and the Ministry of Forests.

**J. MacPhail:** The next objective listed is wildlife. Will the objective include the preservation of sensitive habitats and wildlife retention?

[1625]

**Hon. M. de Jong:** We do intend to carry forward in the regulation the existing provisions. In the discussion I was having, I wasn't sure whether I heard the member refer specifically to endangered species or just wildlife generally.

**J. MacPhail:** My question was just around wildlife retention, but I doubt.... Is the minister tackling the issue of protection of endangered species habitat?

**Hon. M. de Jong:** In certain areas where it's applicable, that may well be a specific objective that needs to be enumerated. I think the member knows that it has been articulated by some that this was a shortcoming of the existing code. We're hopeful that we can, in part, redress that omission.

**J. MacPhail:** Good. I wish the minister the best of luck. Biodiversity. I want to know how the biodiversity objectives relate to the wildlife and the old-growth re-

ention objective. It seems to me that there's a meshing of interests there.

**Hon. M. de Jong:** I agree with the member. I am told that it's here that objectives around things like old-growth retention would appear.

**J. MacPhail:** I'm sure the minister heard this, but I also included objectives around wildlife as well. But we've already discussed that.

The next one is objectives around resource features. It's kind of an interesting title. What would it capture? What would an objective around resource features capture?

**Hon. M. de Jong:** This brings forward a term principle that appears in the existing Forest Practices Code. It speaks to recreational features and to structures that might be constructed related to range use, cattle enclosures, livestock trails and those types of things.

**J. MacPhail:** The final objective is around the area of cultural heritage resources. Would this be specifically targeted at capturing the cultural heritage interests of first nations and aboriginals?

**Hon. M. de Jong:** The short answer is yes. It is not restricted to that, however, and I suppose one could contemplate other types of archaeological sites that might exist. It is certainly a mechanism that allows for us to take specific account of things like first nations, culturally modified trees and sites.

**J. MacPhail:** Is there a specific consultation with first nations around cultural heritage, the setting of objectives for culture heritage resources?

[1630]

**Hon. M. de Jong:** I should say that this is a value that emerged directly as a result of our discussions with first nations and the submissions they made around its relative import to them. What it does require with respect to a forest stewardship plan is that the approving authority — the minister or his or her designate — be satisfied that the proponent has adequately, reasonably, turned their mind to addressing these interests and these values in the preparation of their plan. It seems to me it would necessarily follow that there would be discussion, consultation and exchanges between, in this case, first nations to whom those values would be important.

**The Chair:** Members, the committee will stand recessed for ten minutes.

The committee recessed from 4:31 p.m. to 4:43 p.m.

[H. Long in the chair.]

**J. MacPhail:** Continuing on section 5 of the Forest and Range Practices Act, there are a couple of missing

elements from the list, the headings for the ten objectives. Let me ask the minister where the overall ecosystem health, safety and integrity will be addressed.

[1645]

Mr. Chair, in fairness to the minister, let me not piecemeal this one. Let me ask the minister this. When I say, "Where is the protection for the integrity of the overall ecosystem health?" here's what I mean. As the minister knows, we have the most diverse range of ecosystems, second to South Africa, in the world. What I'm concerned about is that there be a protection for the overall health and well-being of the ecosystem, as one forest stewardship plan relates to the one adjacent to it. I can't figure out any other way of determining an integrated approach to the overall well-being of the ecosystem unless there's a requirement to take an integrated approach.

**Hon. M. de Jong:** Let me try to answer the question this way. I think I would suggest that the values that are listed in this section are designed to be sufficiently broad to take account of the reality that the member has described as it relates to the diversity of ecosystems. I think her question — and it's not an unfair question — relates, as well, to the function of coordinating those various forest stewardship plans that will exist across the provincial land base. I think my answer there would focus in on the role played by the minister or his or her approving designate to ensure that that element of coordination is addressed at the approval stage.

**J. MacPhail:** Well, that leads nicely into my next area of the process for approval of forest stewardship plans. I know that there are other sections, but I want to explore initially this area, because this is the section of the legislation that reduces planning to one plan, and that has been determined by the minister to be an achievement. What I'm trying to figure out is: an achievement in what areas? I'll be frank, Mr. Chair. I'm at the stage right now where I can't support this section because of the vagueness of it and the fact that there is one plan that leaves so many questions unanswered.

Before I do that, let me get the minister to explore one area, and that's the area of resources necessary in order to bring about a forest stewardship plan. We've already had a discussion where there will be a transfer of required resources from the government to the proponent. We don't know whether that's an increased cost or not, but it is a transfer of responsibility. I expect that there may be, at some point, a discussion of whether there is not only a transfer of responsibility but also a transfer of costs required in ensuring the carrying out of that responsibility.

What I'm trying to get at here is understanding, now that we have one plan instead of three, whether the whole process is more complex than the one we have now or whether it isn't. The nature of the discussion around what's entailed in establishing these objectives is to, first of all, ensure that the objectives are appropriate and integrated, but then to get some sort of

assessment of how much staff will be required, how much time will be required, to validate the claims around the objectives. I would assume, given that the ministry is reducing its staff complement, that they would have done an analysis around the amount of staff time that will be required under this new regime.

[1650]

Let me just finish, and then I want to ask the minister what work has been done in terms of identifying the amount of ministry staff resources. Let me give one example. When someone applies to have land removed from the ALR, the agricultural land reserve, they have to go through an entire investigative procedure with the Land Reserve Commission. Their application is just not accepted at face value, and yet it's a non-prescriptive process as well.

With forest stewardship plans, they are also non-prescriptive now, but what kind of validation process do they go through? What is the time frame the government thinks it will take? What kind of resources have to be allocated to it? Does the minister know that that process is less complex than the previous process?

**Hon. M. de Jong:** I'll try to answer bits of this, and then I'll undoubtedly miss a few of the questions that flowed and will come back to them. The first thing that occurred to me as the member was asking the question is that she spoke of the number of plans. Although there is a degree of truth to what she said, I want to make the distinction between the number of plans and the number of approvals, because I think the numbers she was referring to spoke to the approvals that were part of the.... Some of those plans — we talked about site plans — still exist. They are, I acknowledge, not approved in the conventional way. That does represent a significant savings of resources on the part of the ministry.

The example I am alerted to on a frequent basis relates to silviculture prescriptions and the issuance of those, the approvals of the site plans — labour intensive. The approval of those documents is something that officials within the Forest Service will no longer be as intimately involved in.

Now, another component to the member's question related to the amount of time. I think that's a fair question, certainly a question that stakeholders asked: "How long is it going to take?" It's hardly an improvement if the three-part approval process that used to take four months is reduced to a one-stage approval process that takes five months, so that is something that we are acutely aware of.

The objective within the Forest Service is to obviously process these forest stewardship plans upon their receipt in completed form. I was going to say in a reasonable time, but that's hardly a helpful answer to the member. Thirty days is an objective that has been set and something that we're going to be tracking very carefully to ascertain whether we're meeting that objective.

Now I think there were some other questions that I haven't answered.

[1655]

**J. MacPhail:** No, in terms of the dialogue we're having, that's fine. Where I'm having trouble figuring out is: if indeed there's still a requirement for the plans, but there's a single approval — and perhaps the minister has had feedback on this already — where are the savings to industry? There are certainly savings in approval to the government. Of course, the minister may remember from my second reading comments that I said there's much belief that this change in the Forest Practices Code is driven by the need to have a code that can accommodate a much-reduced Ministry of Forests staff. I fully understand there's savings to the Ministry of Forests, but where are the exact savings? What does the industry believe will be their savings in terms of paperwork, commitment to actually developing these plans?

**Hon. M. de Jong:** I'm going to suggest two things that account for what we believe will represent savings. One is a diminished paper flow between government. I've just been advised the estimate is that forgoing the approval process as it relates to site plans will reduce the direct flow of paper between proponents and government by upwards of 100,000 documents in a year. That transference of paper and those transactions translate into a cost of doing business.

The other feature to this that, again, is difficult to quantify, but that I have received submissions on, relates to the importance of granting a degree of flexibility in operating on the land base. This is the notion that in examining a circumstance, the professionals that are employed by licensees can look at a situation and achieve the objective in ways that are more cost-effective than a particular prescribed route.

We had the discussion earlier around quantifying that. Industry has offered their opinion. That was not solicited from me necessarily. It's slightly lower, I have to admit, than the advice I have received. Nonetheless, there does seem to be acceptance of the proposition that taken as a whole, the reduction in the flow of paper combined with the enhanced flexibility in operating on the land base will translate into savings.

Will those savings be uniform across the fold? I don't think so. I think certain operators will be better equipped to realize those savings than others. I don't think they will accrue — to the extent that they accrue at all — on a similar time frame to all licensees. That reflects, as well, on the transitional period that we've built in. Those, I think, are the two areas where the member will hear me argue that those savings, such as they are, will be realized.

**J. MacPhail:** I appreciate that the minister and I will have different points of view on the advisability of all of this change. I certainly agree with the virtually unanimous voice that the status quo is not acceptable, but in the name of reduction of red tape and costs in forestry, I have grave concerns about the direction that these particular changes are heading.

I'm trying to reassure myself and others that there is benefit in the area of reduction of red tape and costs that would, in some way, contribute to the overall good around the sustainability of our forests. I have yet to be convinced. It is on that basis that the opposition cannot support this section.

[1700]

I have one concluding question. It may be that the answer is that it's in Bill 75. Section 5(3) of this legislation reads as follows: "A forest stewardship plan or an amendment to a forest stewardship plan must be signed by the person required to prepare the plan, if an individual or, if a corporation, by an individual or the individuals authorized to sign on behalf of the corporation."

We have a situation here where this is the plan that's going to do it all — deliver for all in terms of the objectives we've just discussed, lead to the outcomes we've just discussed, be the basis upon which penalties will be established and the basis upon which enforcement will take place. However, as far as I can tell, it's the corporation, the licensee, the stakeholder, the person with the vested interest to earn from the forest that signs off on the plan.

In the old Forest Practices Code, section 10 describes the content of the forest development plans that are now replaced by the forest stewardship plans, and it stipulates that the plan must be signed and sealed by a professional forester. Is there some amendment forthcoming that requires the forest stewardship plan be signed by a professional forester?

**Hon. M. de Jong:** I think there are a couple of issues here. One relates to the provisions of the Foresters Act, which make it clear that a plan of the sort contemplated here represents work that would necessarily engage a forester, so there is a scope-of-practice argument that is involved.

The member is correct when she points to the difference, though, and there are two additional issues that arise out of her making the point. One is that the philosophy guiding this says to a licensee: "We expect you to utilize the best talent out there." That will most certainly involve foresters, but in many instances it will also involve agrologists, biologists and other professionals. They will also be involved in the preparation of this forest stewardship plan.

The specific issue that section 5(3) is designed to address is a proposition we heard from some that said a corporation should simply submit the plan, and it would become the plan of the corporation. In fact, we wanted to ensure there was the signature of an individual representing the corporation attached to the document to signify ownership by the corporation or agency of that submitted forest stewardship plan.

[1705]

**J. MacPhail:** I need to explore a bit more, then, what role the professional forester plays. In our briefings, we understood that there were going to be changes to the Foresters Act or that there would be a

reinforcement of the ethical obligations by which a professional forester must act. Here's why. It's because there's a removal of approval in several areas by the Ministry of Forests, and it's now the obligation of the company or the corporation or the individual to sign off on the plan. There's a removal of a requirement for a professional forester to sign off on any plan, because that's gone now. Where does the obligation of the professional forester get committed to a statutory obligation?

What we were told by the chief forester was that the code of ethics of a professional forester has five responsibilities, five ethical standards, one of which was an obligation to his employer. The first in rank order was an obligation to protect the public interest. Somehow, maybe I misunderstood. I thought I was hearing from the minister's comments when he introduced this legislation that there would be a strengthening of the Foresters Act to incorporate the right of the professional forester to uphold his professional obligations even in the face of adversity from his employer.

**Hon. M. de Jong:** I don't think we're necessarily at cross-purposes if I can effectively explain this. The objective with respect to strengthening the foresters legislation is to enhance the ability of that governing body to hold its members to account for areas of practice which fall within their mandated jurisdiction. In addition to that, however, what I would say to the member — and now I'm going to throw another concept into the mix here — is that in a general way, when we get to the point where we are assessing whether or not a licensee has discharged their obligation — and this gets to the whole question around liability and due diligence — it seems to me that there will be times when it will not have been sufficient simply to have relied upon advice from a forester. It will have been reasonable to receive advice and information from some of the other professions, as well, whether they were biologists or agronomists.

In a sense, the foresters sign off, which from a practical point of view, given the scope of practice that foresters have legislatively, will be required in any event. That single sign-off may have provided a false sense of security to licensees who, if acting reasonably, would also have required information, advice and expertise from other professional quarters.

[1710-1715]

Section 5 approved on the following division:

YEAS — 51

Falcon	Coell	Hogg
L. Reid	Halsey-Brandt	Whittred
Cheema	Hansen	J. Reid
Bruce	Santori	van Dongen
Barisoff	Roddick	Wilson
Masi	Lee	Hagen
Murray	Collins	Bond

de Jong	Abbott	Neufeld
Chong	Penner	Jarvis
Anderson	Harris	Bell
Mayencourt	Trumper	Johnston
Hayer	Christensen	Krueger
Bray	Locke	Nijjar
Bhullar	Wong	MacKay
Cobb	K. Stewart	Visser
Lekstrom	Brice	Sultan
Sahota	Kerr	Manhas

NAYS — 2

MacPhail	Kwan	[1720]
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On section 6.

**J. MacPhail:** This section is called "Term of forest stewardship plan." This section outlines that the forest stewardship plans are for five-year terms with the possibility of a further five-year extension. We had substantial discussion around this issue at our briefings.

Subsection (2) says that the extension of the term for another five years will be determined by "circumstances specified by regulation." Just to be clear, this term — the length of the plan from an initial five years with a possible extension to a total of ten years — replaces the current code, which has a term of one year with an extension for two years. This is a big change. There is a level of anxiety around this. Perhaps we can clear up some of those anxieties if the minister could explain the circumstances he's considering that would permit an extension of the term.

**Hon. M. de Jong:** Two things come immediately to mind. I suppose the first is whether or not the forest stewardship plan, if renewed at the expiration of the first five-year period, would continue to meet the objectives and tests set out in the Forest and Range Practices Act. I think that would be determinative.

Off the top of my head, some other considerations come to mind. Record of compliance would be one. If there has been a series of problems relating to the achievement of objectives during the course of the first term.... Of course, this legislation provides the power to step in at any stage along the way in circumstances where it is deemed warranted, but were a plan to distinguish itself by being problematic throughout its first term, it would be my expectation that the regulatory framework we'll set out will make that a relevant consideration in determining whether or not to renew it for a subsequent term.

As the member was asking her question, I was returning to the letter that we have referred to during the course of this debate, and only from this perspective. I

have not, even anecdotally from environmental associations or others, received much in the way of expressions of concern around the term "provision," off the top of my head. I haven't been able to review it.

Interjection.

**Hon. M. de Jong:** Well, the member is telling me there is an expression of concern there, and I accept her characterization of that.

**J. MacPhail:** Yes. It's a list of concerns under "Other Issues," where West Coast Environmental Law says: "There are several other issues that concern us." Then it's "the reduced opportunities for public input based on the five- and perhaps ten-year term of forest stewardship plans" under section 6. It is there.

[1725]

Let me ask this: will there be a list of criteria that applies to the renewal of each forest stewardship plan, or will the criteria for renewal be determined on a case-by-case basis?

**Hon. M. de Jong:** It would be the latter. There would be an enumerated set of considerations that the minister and/or his or her designate would want to turn their mind to. For example, if there are public concerns relevant to the forest stewardship plan that may have arisen during the course of the first five-year term, that would be instructive in determining whether or not to renew for a second five-year term or require the refiling of a forest stewardship plan, which would necessarily address in part the concern the member referred to about the opportunity for further input.

**J. MacPhail:** Well, yes. Just to expand on that, then, will there be opportunity for public input to comment on the extension of the term?

**Hon. M. de Jong:** It would be accurate to say that as a forest stewardship plan came to the expiration of its five-year period and at any point along the way, interested parties, members of the public, first nations — whoever — would have an opportunity to make their concerns known to the approving authority, to the ministry. That would be taken into account in determining whether or not there should be a renewal or whether the proponent would be obliged to resubmit a new forest stewardship plan.

Sections 6 to 8 inclusive approved.

On section 9.

**J. MacPhail:** Section 9 deals with proportional objectives. The section states: "In prescribed circumstances, the minister may establish targets, in specified proportions between or among the holders of forest stewardship plans, for sharing the responsibility to achieve objectives set by government." It's interesting to note this section in the context of the discussion we

had previously about taking an integrated approach to ecosystem health. Perhaps the minister could clarify the purpose behind this section, maybe in the context of the previous discussion.

[1730]

**Hon. M. de Jong:** Indeed, this does fall squarely within the ambit of the coordinating aspect that we were discussing earlier. The example I can cite for the member is a situation where within a timber supply area, there may be various licensees who are actually proffering individual forest stewardship plans.

Let's take an example of old-growth retention. The first person in the gate may attempt to escape or minimize their obligations in that respect. This provides the approving authority with the opportunity to say: "No, in fact, we are setting objectives as it relates to this area, and those objectives must be met by licensees operating, notwithstanding the fact that you might have separate forest stewardship plans." That is where that element of coordination emerges.

**J. MacPhail:** The section says: "In prescribed circumstances...." I understand that the minister's saying this is the role of the ministry. What happens when there's...? It requires a sharing of responsibility, so I would assume non-compliance would require a sharing of penalty as well. How is that going to work?

**Hon. M. de Jong:** I was trying to distinguish and wanted to distinguish between a situation where we have an area-based management scheme, where you may have more than one licensee practising within a timber supply area, and a situation which is more closely aligned to the example I used, where you've got in an area several forest stewardship plans. The point that is made here is that there is a shared responsibility for meeting the objectives laid out in the legislation in that area. The member is correct insofar as any one of those licensees that fails to meet their shared responsibility with respect to their forest stewardship plan assumes a liability in that respect.

**J. MacPhail:** Who in the ministry would determine all of this? What department would this come under?

[1735]

**Hon. M. de Jong:** In determining the shared responsibility and that aspect of this, that is something that would, under the terms of the act, fall to the minister — more practically be assigned and delegated to the district level. The second part of that is tracking whether or not those objectives and shared responsibilities have been met, and that is a function that would fall to the compliance and enforcement section of the ministry.

Section 9 approved.

On section 10.

**J. MacPhail:** This is a section that we've referred to peripherally. It's a section on site plans for cutblocks

and roads, so again this is where it gets a little bit murky. Section 10 refers to site plans that were known as logging plans under section 11 of the previous Forest Practices Code.

Let me just walk the minister through this. Bill 75 will amend section 11 of the code. Now, remember we're on Bill 74. But Bill 75 will amend section 11 of the code, adding a section on site plans. So in order to understand all the changes here, we have to look at section 11 of the code, which is going to be amended under Bill 75. We also have to look at section 9 of Bill 75, section 13 of Bill 75 and section 10 of Bill 74. All of those amendments deal with site plans for cutblocks and roads.

I confess. In this area this is as murky as it possibly gets. I question how all of these amendments impact on clarity and red tape. I need some help here. How do the four sections relate, all of which amend site plans for cutblocks and roads?

**Hon. M. de Jong:** I'm not certain. First of all, let me try to clarify, if I can, the terminology. There is a distinction between logging plans and site plans. Site plans, in this context, actually contemplate permitting for logging, permitting for silviculture prescriptions and road plans, so it is a broader concept than simply the logging plan that the member referred to.

Although I followed her point — I'm not sure I agreed with it entirely — when we had the reference back to the other legislation in a discussion we had earlier in this debate, this section 10, unless the member can persuade me otherwise, does not on its face require reference back to the legislation or to the sections the member is referring to. It is true that Bill 75 amends certain provisions of the Forest Practices Code for that interim and transitional period, but this measure stands alone and is all-inclusive in that respect.

**J. MacPhail:** Yes, I understand that, but we now have a situation where — and this is the dual process of which a person can select, but the process was supposed to be that the original code.... They could choose to go under the current code, the original one, or under this new process, but the original code is being amended not once but twice. Yes, it's true that section 11 of the current code has two parts — a couple of components to the logging plan, one of which deals specifically with the cutblock and the roads going to the cutblock. For all intents and purposes, the first part of section 11 under the current code would represent the one choice of one process compared to section 10 of this act, which is the other choice.

[1740]

Then we have Bill 75 amending the original process for site plans, dealing specifically with — if you look at Bill 75 — cutblocks. Section 9 and section 13 of Bill 75 directly address cutblocks. Even though the original code talks about logging plans, all of the amendments and the new legislation deal with cutblocks and roads, which we're discussing.

Let me ask this, then. No, I guess I can't do it until we deal with Bill 75. Until we debate Bill 75, then.... The minister has just said that Bill 74 stands on its own. What's the difference in the two processes between the original code, not yet amended, and Bill 75?

**Hon. M. de Jong:** I don't think the member is attempting to be argumentative here. I accept that. It is likely my inability to articulate this clearly. I do want to say a couple of things in reply to her commentary.

We will, for a period of time, have two processes that guide. Let's talk about harvesting activity for the moment, just to simplify the discussion. One is the regime that is established by virtue of Bill 74. The second, which we now know will be in effect for a period of two years following the proclamation of Bill 74, is essentially the existing Forest Practices Code with some changes.

When the member suggests that the original code is being amended twice, that's just not correct. It is being amended once by Bill 75, which we will discuss. It is much more helpful in this context to stick to one process or the other. Right now we are discussing the new process that will be in place.

This section deals with site plans. I think it's a fair question to ask, comparing this regime with the original Forest Practices Code. How are site plans different or dealt with differently? They're not approved in the way that they once were. Those are all questions that we have canvassed in part and that we can continue to deal with. To suggest that somehow we're amending the Forest Practices Code twice just is not correct, and it does confuse the discussion.

**J. MacPhail:** The fact is that section 11 of the original Forest Practices Code is being amended twice. I'm not saying the code is being amended twice. Section 11 is being amended twice.

Let me explain why. The minister is quite correct. I'm not being argumentative. I asked a question earlier on about the role of professional foresters in signing off on forest stewardship plans. They're not required to sign off on forest stewardship plans now. What we have here is a situation where the original Forest Practices Code will be amended by Bill 75 to now require that the site plans under section 11 be signed and sealed by a professional forester. That's why I'm asking what the difference is between....

[1745]

I'm trying to figure out how a company, a stakeholder, will go through a decision-making process about choosing one process or the other. Is it that the minister is trying to skew the balance or skew the decision-making in one way or another? I don't even have a view on that. If he's doing that, I don't even have a view yet on whether that's horrendous or fine.

Apropos my previous question about the role of professional foresters, the minister is seeing fit to change the original code to prescribe the requirement to have a professional forester sign off on a plan. My question under the new legislation being proposed,

which replaces completely — right? — and in full the previous code around cutblocks and roads, is that it's silent. There isn't a requirement for a professional forester to sign off on it. Why?

**Hon. M. de Jong:** Here is where we have tried to achieve a degree of consistency. This results-based code, as the member correctly points out insofar as the forest stewardship plan is concerned, does not require sign-off by a professional forester. We've discussed why that is and what the logic is around that.

Similarly, it does not prescribe the sign-off by a professional forester at the site-level plan, although I would hasten to add that the type of work involved here would, in virtually all cases, engage the attention of a professional forester. Whether one agrees with that or not, there is a consistency around that approach in this legislation.

Similarly, as the member has correctly identified, under the existing or former code, that requirement for sign-off is required, so for the....

**J. MacPhail:** It's being enhanced.

**Hon. M. de Jong:** Sorry?

**J. MacPhail:** It's being enhanced by Bill 75.

**Hon. M. de Jong:** Well, it is made consistent for the life of what will ultimately become a transitional document, but we've been talking about it in terms of a second process or a first process. That will remain in place, consistent with the requirement around the forest development plan, for the life of that document, which we now know has a limited life span.

**J. MacPhail:** It's not consistent, Mr. Chair. I'm sorry for interfering with the minister's flow.

[1750]

There's an actual amendment coming in Bill 75 that adds the requirement for the sign-off of a professional forester to the original code requirement around site plans. We just had this discussion about why it doesn't exist in the forest stewardship plan. My question remains unanswered about why the requirement for the sign-off of a professional forester is now being added, pursuant to Bill 75, to the original code's requirements around site plan approval but remains absent in the new process. That was my question. What led to that addition under Bill 75?

**Hon. M. de Jong:** We are being drawn into a discussion now that falls squarely within the ambit of Bill 75, but I think I understand the context within which the discussion is taking place. I'll pursue it as best I can with the member. In fact, section 12 of the existing code speaks to things like silviculture prescriptions, and if one looks at section 12, you'll note that there is a requirement for that silviculture prescription to be signed and sealed by a professional forester. In fact, the amending provisions that replace the requirements for silviculture prescriptions with a site plan, therefore,

incorporate that requirement as it presently exists within the Forest Practices Code.

**J. MacPhail:** Let's move on. The legislation we're debating now eliminates the requirement for a detailed map describing the location of roads and timber harvesting. How, then, are ministry staff supposed to determine — and this came directly from ministry staff — where they go out in the field and inspect activities? I mean, we are talking about areas that are huge here.

**Hon. M. de Jong:** I think the language here is, again, important. The need for detailed mapping is not eliminated. In fact, it is a necessary function of issuing the permit. What has been eliminated is the approval process that goes with the preparation of those maps. Now, some people might be troubled by that, but I do want to make the point that the need for that detailed mapping has not been eliminated.

**J. MacPhail:** There will be roads which the ministry staff can travel via a site plan. I assume that's what the minister is saying. You know, for us city kids, it's kind of like "hee, hee, hee," but I must say that when I was actually meeting with ministry staff on this issue, it was a huge factor. Otherwise you're literally wandering around in the forest, searching for something to comply, something to enforce. I take it that there will still be a requirement to give those details.

Does that also apply to Forestry staff that will be examining the harvesting methods and the rehabilitation efforts too? Will that also be part of the plan?

**Hon. M. de Jong:** The answer, I think, to the member's question is yes. I think we've dealt with roads. I think the specific location of harvest activity and reforestation activity refers to what are termed cutblocks, and the requirement at the permitting stage for them to be laid out in detail also exists.

[1755]

**J. MacPhail:** Just to be clear, that permitting still exists even under the new regime?

**Hon. M. de Jong:** Yes.

**J. MacPhail:** My last question for the day, Mr. Chair, revolves around the changed regime. Under the old regime, there was a requirement that the site plan be consistent with any higher level plan. Now the higher level plans are gone, as I understand it. Well, all right then. How will consistency be maintained, then, between site plan and higher-level plan?

**Hon. M. de Jong:** Here's the progression. I actually have a chart. Maybe at the end of the day I can give it to the member, which is helpful.

Interjection.

**Hon. M. de Jong:** It's so thin.

The progression goes as follows, Mr. Chair: higher-level plan, where it exists; forest stewardship plan, which must be consistent with the higher-level plan; and, thereafter, site plan, which must be consistent with both the forest stewardship plan and the higher-level plan.

**J. MacPhail:** Well, actually, a flow chart would be helpful.

Noting the hour, Mr. Chair, I move that the committee rise, report progress.... Oh, I'm sorry. We can pass this section.

Section 10 approved.

**J. MacPhail:** I move that the committee rise, report progress and ask leave to sit again.

Motion approved.

The committee rose at 5:57 p.m.

The House resumed; Mr. Speaker in the chair.

Committee of the Whole (Section B), having reported progress, was granted leave to sit again.

Hon. M. de Jong moved adjournment of the House.

Motion approved.

The House adjourned at 5:58 p.m.